IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO. 6557 OF 2006.

Hiranyakeshi Panchakroshi
S.P. Mandal and anr. ... Petitioners.
V/s.
Subhash D. Kale & anr. ... Respondents.

Shri M.S.Topkar for the petitioners.

Shri Amit Borkar for respondent No.1.

CORAM : R.M.S. KHANDEPARKAR,J.

DATED : 17.10.2006.

P.C. :

. Heard.

2. The petitioners challenge the judgment and order passed by the School Tribunal, Kolhapur, on 30.6.206 in Appeal No.85 of 2003. The ground on which impugned order is sought to be assailed is that the post on which respondent No.1 was appointed was a reserved category post, whereas respondent No.1 is from open category. Consequently, as per roster there was backlog to be filled in relation to reserved category. This fact has been overlooked by the Tribunal.

3. Plain reading of the impugned judgment discloses that the Tribunal had taken note of the fact that the petitioners had not produced original roster maintained in relation to teaching staff for

the relevant year i.e. 1999, when respondent No.1 was appointed. Naturally, appointment of the respondent No.1, though was claimed initially for one year and again for the next one year, the appointment letter itself discloses that appointment was for two years. Plain reading of the appointment letter clearly discloses that specific period of two years was mentioned. Obviously, therefore, provisions of section 5 of the M.E.P.S. Act are attracted.

4. The fact that the petitioners have failed to prove that the post on which respondent No.1 was appointed was meant for reserved category candidates, and the petitioners had not produced relevant roster for the year 1999 when respondent No.1 was appointed, these facts undoubtedly reveal that there is absolutely no case made out by the petitioner and contention sought to be raised are without any substance.

5. The School Tribunal has considered entire material on record and has arrived at correct finding based on assesment thereof in proper perspective. There is no case made out for interference with the impugned order in exercise of writ jurisdiction under Article 227 of the Constitution of India.

6. The impugned order therefore, does not disclose jurisdictional error. Hence petition is rejected.

(R.M.S.KHANDEPARKAR,J.)